

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 465**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Judiciary April 15, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 465 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

1635L.03C

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**AN ACT**

To repeal sections 50.640 and 477.600, RSMo, and to enact in lieu thereof two new sections relating to the judicial finance commission.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 50.640 and 477.600, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 50.640 and 477.600, to read as follows:

50.640. 1. Except as otherwise provided in this section, all offices, departments, courts,  
2 institutions, commissions or other agencies spending moneys of the county shall perform the  
3 duties and observe the restrictions set forth in sections 50.540 to 50.630 relating to budget  
4 procedure and appropriations. The estimates of the circuit court, including all activities thereof  
5 and of the circuit clerk, shall be transmitted to the budget officer by the circuit clerk. The  
6 estimates of the circuit clerk shall bear the approval of the circuit court. The budget officer or  
7 the county commission shall not change the estimates of the circuit court or of the circuit clerk  
8 without the consent of the circuit court or the circuit clerk, respectively, but shall appropriate in  
9 the appropriation order the amounts estimated as originally submitted or as changed, with their  
10 consent.

11 2. If the county governing body deems the estimates of the circuit court to be  
12 unreasonable, the governing body may file a petition for review with the judicial finance  
13 commission on a form provided by the judicial finance commission after the estimates are  
14 included in the county budget. An amount equal to the difference between the estimates of the  
15 circuit court and the amounts deemed appropriate by the governing body shall be placed in a

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

16 separate escrow account, and shall not be appropriated and expended until a final determination  
17 is made by the judicial finance commission under this subsection. The form provided by the  
18 judicial finance commission shall include an opportunity for the governing body and the circuit  
19 court to state their positions in a summary fashion. If a petition for review is filed, the circuit  
20 court shall have the burden of convincing the judicial finance commission that the amount  
21 estimated by it and included in the budget is reasonable. In determining if the circuit court  
22 estimate is reasonable, the judicial finance commission shall consider the expenditures necessary  
23 to support the circuit court in relation to the expenditures necessary for the administration of all  
24 other county functions, the actual or estimated operating deficit or surplus from prior years, all  
25 interest and debt redemption charges, all capital projects expenditures, and the total estimated  
26 available revenues from all sources available for financing the proposed expenditures. In  
27 determining the reasonableness of any budget estimate involving compensation, the judicial  
28 finance commission shall also consider compensation for county employees with similar duties,  
29 length of service and educational qualifications. The judicial finance commission shall  
30 immediately order a settlement conference to determine if the matter can be resolved before  
31 ordering briefs and oral argument. The judicial finance commission, to the maximum extent  
32 practicable, shall resolve the dispute prior to the beginning of the fiscal year in question,  
33 **however, if the dispute is submitted within ninety days of the end of the fiscal year, the**  
34 **commission shall resolve the dispute within ninety days of the beginning of the subsequent**  
35 **fiscal year.** The county governing body may file and prosecute a petition for review without  
36 representation by counsel.

477.600. 1. There is hereby created within the judicial department a "Judicial Finance  
2 Commission". The commission shall be composed of seven members appointed by the supreme  
3 court. At least one member of the commission shall be a member of a county governing body  
4 from a county of the third class, one member of the commission shall be a member of the county  
5 governing body of a county of the first class, and one member of the commission shall be a  
6 member of a county governing body from any class of county. The supreme court shall designate  
7 one member to serve as chairman and one member as vice chairman. The vice chairman shall  
8 preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their  
10 successors are appointed and qualified; except that of the initial members appointed, three shall  
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms  
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve  
14 the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective

16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems  
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county  
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget  
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and  
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding  
24 officer of the county. The opinion shall state the conclusions of the commission as to the  
25 reasonableness of the circuit court budget request. The opinion of the commission shall state  
26 clearly the reasons for its decision. Any member of the commission who disagrees with the  
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law  
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the  
31 finances of the judicial department. The report shall examine both the revenues of the  
32 department and the expenses of the department. The report shall [separately report on] **include**  
33 **the information from all divisions of the circuit court of each county including** the circuit,  
34 **probate**, associate circuit, juvenile and municipal divisions [of the circuit court of each county].  
35 **The information shall be reported separately except where the divisions are combined or**  
36 **consolidated.**

37 6. In discharging its responsibilities, the commission may:

38 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records  
39 and documents;

40 (2) Conduct surveys and collect data from county governments and the circuit courts on  
41 the operations of the judicial and law enforcement agencies in each county. The commission and  
42 its staff shall be granted access at any reasonable time to all books, records, and data the  
43 commission deems necessary for the administration of its duties;

44 (3) Within the limits of appropriations made for the purpose, appoint special committees,  
45 accept and expend grant funds, and employ consultants and others to assist the commission in  
46 its work.

47 7. Upon receipt of the written opinion of the commission or upon refusal of the  
48 commission to accept a petition for review, the circuit court or the county governing body may  
49 seek a review by the supreme court by filing a petition for review in the supreme court within  
50 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the  
51 supreme court, then the recommendation of the commission shall take effect notwithstanding the

52 provisions of section 50.600, RSMo. If the commission refused to review a petition and no  
53 petition is filed in the supreme court, the circuit court budget is approved as submitted to the  
54 county governing body. The supreme court shall consider the petition for review de novo.

55       8. The commission shall meet as necessary at the call of the chairman or on written  
56 request of four members. Four members constitute a quorum for the transaction of business.  
57 Upon request of the chairman, the supreme court may appoint a temporary replacement for any  
58 commissioner who is unable to hear a case or who is disqualified from any case. No member  
59 of the commission shall participate in any proceeding involving the county or circuit where the  
60 member resides.

61       9. Members of the commission shall receive no compensation for their services but shall  
62 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses  
63 incurred in the performance of their duties.

64       10. The clerk of the supreme court shall provide suitable staff for the commission out  
65 of any funds appropriated for this purpose. The commission may also employ court reporters  
66 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters  
67 shall be compensated at a rate established by the commission out of any funds appropriated for  
68 this purpose.